

Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has carefully reviewed, de novo, the Report and the objections thereto. As it pertains to dismissal of the Plaintiff's case, this Court chooses not to accept the Magistrate's Report. While the Report correctly and properly cites defects in the Plaintiff's complaint, these defects were sufficiently cured by the information and documents contained in the Plaintiff's objections. Obviously, the Magistrate Judge did not have the benefit of this information. However, as it pertains to denial of the Plaintiff's motion to proceed *in forma pauperis* this Court accepts the Magistrate's Report. The Plaintiff has not sufficiently proven that he falls within this limited category of litigant.

Therefore, it is hereby **ORDERED** that the Plaintiff's motion for leave to proceed in forma pauperis is **DENIED** (Doc. # 3), that the Magistrate Judge's Report is **ACCEPTED** in part (Doc. # 8), and that this case is **REMANDED** to the Magistrate Judge for proceedings in conformance with this Order.

IT IS SO ORDERED.

S/ Terry L. Wooten

TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

February 5, 2008
 Florence, South Carolina